

21 C.J.S. Courts § 158

Corpus Juris Secundum | May 2023 Update

Courts

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V. Rules of Practice and Procedure

A. Rules of Practice and Procedure, Generally

1. In General

§ 158. Matters subject to regulation—Jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  80, 80(1)

A rule of court cannot enlarge or diminish the jurisdiction of a court that is conferred by the constitution or statute.

A court whose rulemaking power is limited to matters of practice, procedure, and pleading in courts may not create jurisdiction where none exists¹ as a rule of court cannot enlarge or diminish the jurisdiction of a court² that is conferred by the constitution or statute.³

Trial court civil rules are procedural in nature and apply only after an action is commenced and thus do not purport to extend the subject-matter jurisdiction of the court.⁴

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Footnotes

- 1 Mo.—*Glasby v. State*, 739 S.W.2d 769 (Mo. Ct. App. E.D. 1987).
- 2 Ala.—*Ex parte Ward*, 46 So. 3d 888 (Ala. 2007).

D.C.—*Ford v. ChartOne, Inc.*, 834 A.2d 875 (D.C. 2003).

Haw.—*State v. Lei*, 95 Haw. 278, 21 P.3d 880 (2001).
- 3 D.C.—*Ford v. ChartOne, Inc.*, 834 A.2d 875 (D.C. 2003).

Haw.—*State v. Lei*, 95 Haw. 278, 21 P.3d 880 (2001).
- 4 Wash.—*Diehl v. Western Washington Growth Management Hearings Bd.*, 153 Wash. 2d 207, 103 P.3d 193 (2004).

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